

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03  
/034 W

-----171035Z 111061 /12

P 171012Z JUN 77

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC PRIORITY 0306

INFO AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 06229

LONDON FOR BILLER AND STYLES

E.O. 11652: GDS

TAGS: EAIR, BE

SUBJECT: CIVAIR - RENEWAL OF US-BELGIUM CHARTER MOU

REF: STATE 136821

1. SUMMARY: DISCUSSIONS WITH BELGIAN CIVIL AVIATION  
AUTHORITIES JUNE 15-16 RESULTED IN AGREEMENT ON AMENDMENT  
AND EXTENSION OF PASSENGER CHARTER AIR SERVICES MEMORANDUM  
OF UNDERSTANDING, ACCEPTED AD REFERENDUM TO GOVERNMENTS.  
ALL POINTS SOUGHT AS PER REFTEL WERE GRANTED BY BELGIANS  
IN SUBSTANCE, ALTHOUGH SOME NEW LANGUAGE WAS ADDED TO  
SATISFY THEIR PRESENTATIONAL REQUIREMENTS. AMENDED MOU  
IS TO BE EXTENDED THROUGH DECEMBER 31, 1978, AND AUTO-  
MATICALLY FOR TWO ADDITIONAL YEARS BEYOND THAT UNLESS ONE  
OF THE PARTIES NOTIFIES THE OTHER NOT LATER THAN  
OCTOBER 1, 1978, OF ITS DESIRE TO LET THE ARRANGEMENT  
EXPIRE. ACTION REQUESTED: AUTHORITY TO EXCHANGE  
DIPLOMATIC CORRESPONDENCE PUTTING UNDERSTANDING INTO  
EFFECT FROM JULY 1, 1977. END SUMMARY.

2. THE U.S. PARTICIPANTS IN THE DISCUSSIONS WERE  
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LAWRENCE B. LESSER, EMBASSY ECONOMIC OFFICER, AND JOSEPH  
CHESEN, CHIEF, CHARTER ADVISORY UNIT, CIVIL AERONAUTICS  
BOARD. BELGIAN PARTICIPANTS WERE WILLEM VANDERPERREN,  
DIRECTOR GENERAL OF CIVIL AVIATION; EDOUARD DECASTIAUX,  
DIRECTOR FOR COMMUNICATIONS MATTERS, MINISTRY OF FOREIGN  
AFFAIRS; AND R. BAELE, ADVISOR, AIR TRANSPORT, AERO-  
NAUTICS ADMINISTRATION. BELGIANS INITIALLY DEFENDED

THEIR PROPOSED AMENDMENTS ON GROUNDS OF ECAC RECOMMENDATIONS AND ERRONEOUS INTERPRETATIONS OF WHAT USG HAD AGREED TO WITH OTHER GOVERNMENTS, ESPECIALLY UK MOU AND EXPIRED SWISS MOU. WITHIN TERMS OF INSTRUCTIONS IN REFTEL, US REPS PERSUADED BELGIANS TO DROP ONE OF FOUR UNACCEPTABLE FOOTNOTES AND TO ACCEPT REDRAFTS OF OTHER THREE IN NEUTRAL TERMS. IN ADDITION, US REPS MADE SUCCESSFUL UNANTICIPATED ATTEMPT TO REMOVE BELGIAN DESIRED FOOTNOTE IN MONTREAL DRAFT WHICH LIMITED ABILITY TO GET CHARTERWORTHINESS RULES CHANGES ACCEPTED (PROPOSED FOOTNOTE TO PARAGRAPH 4 OF MOU), AND AT BELGIUM'S REQUEST THE WORD "EXISTING" WAS DELETED FROM PARAGRAPH 5 OF ANNEX 1. THE BELGIANS ACCEPTED EXTENSION OF THE MOU BEYOND DECEMBER 31, 1978, BUT IN ORDER TO RESPECT ECAC GUIDELINES A WORDING WAS ADOPTED THAT AVOIDS DIRECT REFERENCE TO DATES BEYOND THE END OF 1978. THE EFFECT IS THAT THE MOU WILL BE EXTENDED AUTOMATICALLY FOR TWO YEARS BEYOND--UNTIL DECEMBER 31, 1980--UNLESS EITHER PARTY NOTIFIES THE OTHER OF ITS INTENTION TO LET THE MOU EXPIRE BY OCTOBER 1, 1978. ALL THE ABOVE POINTS WERE DISCUSSED BY PHONE WITH STYLES IN LONDON WHO IN TURN DISCUSSED WITH CAB MEMBERS O'MELIA AND WEST AND OTHERS INCLUDING NACA REP. AFTER THEIR APPROVAL RECEIVED ON ALL POINTS, MEMORANDUM OF CONSULTATION WAS DRAFTED AND CLEARED WITH STYLES BEFORE SIGNATURE.

3. THE TEXT OF THE MEMORANDUM OF CONSULTATION SIGNED BY LESSER AND VANDERPERREN IS AS FOLLOWS:

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BEGIN TEXT. REPRESENTATIVES OF THE GOVERNMENT OF BELGIUM AND THE UNITED STATES GOVERNMENT MET IN BRUSSELS ON JUNE 15-16, 1977, TO DISCUSS RENEWAL AND AMENDMENT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND BELGIUM ON PASSENGER CHARTER AIR SERVICES SIGNED IN BRUSSELS ON OCTOBER 17, 1972.

THE REPRESENTATIVES AGREED TO REFER TO THEIR GOVERNMENTS FOR APPROVAL AND CONFIRMATION BY SUBSEQUENT EXCHANGE OF DIPLOMATIC CORRESPONDENCE THE FOLLOWING:

1. THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND BELGIUM ON PASSENGER CHARTER AIR SERVICES SIGNED IN BRUSSELS ON OCTOBER 17, 1972, WILL REENTER INTO EFFECT ON JULY 1, 1977, AND SHALL REMAIN IN FORCE UNTIL DECEMBER 31, 1978, PROVIDED, HOWEVER, THAT UNLESS PRIOR TO OCTOBER 1, 1978, EITHER PARTY HAS RECEIVED WRITTEN NOTICE FROM THE OTHER PARTY OF THE LATTER PARTY'S INTENTION TO ALLOW THE UNDERSTANDING TO EXPIRE,

IT SHALL REMAIN IN FORCE FOR AN ADDITIONAL TWO YEARS  
BEYOND DECEMBER 31, 1978.

2. THE FOUR EXISTING REFERENCES IN THE UNDERSTANDING  
AND ITS ANNEXES TO THE PERIOD FROM JANUARY 1, 1973, TO  
OR THROUGH DECEMBER 31, 1975, SHALL BE AMENDED TO APPLY  
TO THE PERIOD FROM THE DATE OF REENTRY INTO EFFECT OF THE  
UNDERSTANDING THROUGH THE NEW EXPIRATION DATE (OR EXTENDED  
EXPIRATION DATE) OF THE UNDERSTANDING.

3. PARAGRAPH 4 OF THE UNDERSTANDING SHALL BE AMENDED

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DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03  
/034 W

-----171033Z 111152 /12

P 171012Z JUN 77

FM AMEMBASSY BRUSSELS  
TO SECSTATE WASHDC PRIORITY 0307  
INFO AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 02 OF 02 BRUSSELS 06229

LONDON FOR BILLER AND STYLES

TO ADD:

(A) "PRICING (ASTERISK)," BETWEEN "REGULATION," AND  
"OPERATION";

(B) A SECOND SENTENCE TO READ, "IN SUCH DISCUSSIONS  
EACH PARTY WILL PROVIDE THE OTHER PARTY WITH THE DATA  
NECESSARY TO ATTEMPT TO RESOLVE THE DIFFICULTIES."

(C) A FOOTNOTE TO READ: "(ASTERISK) THE CIVIL  
AVIATION AUTHORITIES OF EACH PARTY MAY REQUIRE THE SUB-  
MISSION BY CARRIERS OF RATE AND PRICE INFORMATION."

4. PARAGRAPH 5 OF ANNEX 1 TO THE UNDERSTANDING SHALL  
BE DELETED AND A NEW PARAGRAPH 5 SUBSTITUTED THEREFOR,  
TO READ AS FOLLOWS: "5. ACCEPT AS CHARTERWORTHY

PASSENGER CHARTER AIR TRAFFIC ORIGINATED IN BELGIUM AND ORGANIZED AND OPERATED IN CONFORMITY WITH THE CHARTER-WORTHINESS RULES OF THE BELGIAN CIVIL AVIATION AUTHORITIES APPLICABLE TO CHARTER FLIGHTS TO THE UNITED STATES."

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5. THE WORDS "LIMITED AND INFREQUENT" SHALL BE DELETED FROM PARAGRAPH 6 OF ANNEX 1 AND FROM PARAGRAPH 3 OF ANNEX 2.

6. THE EXISTING FOOTNOTE TO PARAGRAPH 1 OF ANNEX 2 SHALL BE DELETED AND A NEW FOOTNOTE SUBSTITUTED THEREFOR, TO READ AS FOLLOWS: "(ASTERISK) THE BELGIAN CIVIL AVIATION AUTHORITIES RESERVE THE RIGHT TO REQUIRE THE FILING OF A PASSENGER LIST FOR EACH AFFINITY CHARTER GROUP AT LEAST THIRTY DAYS BEFORE THE ARRIVAL OF THE FLIGHT." END TEXT.

4. THE BELGIANS NOW INTEND TO ASK COMMUNICATIONS MINISTER CHABERT TO ADDRESS A LETTER TO AMBASSADOR CHAMBERS CONTAINING THE TEXT OF NUMBERED PARAGRAPHS 1-6 ABOVE, OPENING AND CLOSING ALONG THE FOLLOWING LINES: EXCELLENCY, I HAVE THE HONOR TO REFER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND BELGIUM ON PASSENGER CHARTER AIR SERVICES SIGNED IN BRUSSELS ON OCTOBER 17, 1972, AND TO PROPOSE THE FOLLOWING AMENDMENTS THERETO: (TEXT OF MEMORANDUM OF CONSULTATION, PARAGRAPHS 1-6) YOUR WRITTEN CONFIRMATION THAT THE ABOVE AMENDMENTS ARE ACCEPTABLE TO THE UNITED STATES WILL, UPON ITS RECEIPT, PLACE THE AMENDMENTS INTO EFFECT.

5. VANDERPERREN IS REQUESTING EXPEDITIOUS CONSIDERATION OF THIS MATTER BY MINISTER FOR COMMUNICATIONS CHABERT, AND HE ALREADY HAS THE CONCURRENCE OF THE FOREIGN MINISTRY, WHOSE REPRESENTATIVE PARTICIPATED IN THE DISCUSSIONS. THUS IT IS LIKELY THAT THE ANTICIPATED LETTER WILL BE DELIVERED WITHIN A FEW DAYS.

6. SINCE BELGIUM WILL BE SENSITIVE TO ANTICIPATED CRITICISM FROM ECAC FOR EXCEEDING ECAC'S GUIDELINES IN AGREEING TO THIS CHARTER MOU, IT WOULD BE HELPFUL TO  
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TREAT THE DISCUSSIONS AND AGREED TEXT AS CONFIDENTIAL  
UNTIL THE EXCHANGE OF NOTES IS ACCOMPLISHED. IF THE  
TEXT IS GIVEN TO U.S. AIR CARRIERS, WE SUGGEST THAT THEY  
BE ASKED TO HOLD IT CLOSELY, AND IN ANY CASE THAT ONLY  
THE SUBSTANTIVE PORTION (PARAGRAPHS 1-6) BE SHARED WITH  
THEM.

7. DURING OUR DISCUSSIONS, THE BELGIANS REFERRED IN A  
LIGHTEARTED WAY TO THE SECOND U.S. LANDING POINT FOR  
SABENA, BUT THEY DID NOT RELATE THAT ISSUE SUBSTANTIVELY  
TO THE CHARTER MOU. CHAMBERS

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## Message Attributes

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**Review Markings:**  
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